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NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

JESSE LAFORCE, Plaintiff and Appellant, v. CREDIT BUREAU OF NAPA COUNTY, INC., et al. Defendants and Respondents.	A153704 (Sonoma County Super. Ct. No. SCV258893)

Plaintiff Jesse LaForce alleges his former employer, Credit Bureau of Napa County, Inc., discriminated against him on the basis of gender and religion and violated public policy when it terminated his employment. The trial court granted summary judgment to defendant, and plaintiff appeals the ensuing judgment. We shall affirm the judgment.

I. BACKGROUND

A. Allegations of the Complaint

Plaintiff alleges he worked for Chase Receivables, Inc., a "DBA" of defendant Credit Bureau of Napa County, Inc., as a collection manager.[1] In his spare time, he is a Christian minister. In 2012, defendant "wrote Plaintiff up" for discussing his religious

[1] References to "defendant" are to Credit Bureau of Napa County, Inc.

views with another employee, and he promised not to have religious conversations on company time.

On June 12, 2015,[2] a female co-worker in her early 20's made an "unwelcome pass" at plaintiff on the call center floor, and plaintiff told her that he was celibate based on his religious convictions and that he had not had sex for five years. Later, in the lunch room, she gave plaintiff information about her sex life. Three days later, she went to management and accused plaintiff of sexual harassment. Plaintiff told management that he, not his co-worker, was the victim of harassment. Without conducting a full and unbiased investigation, management terminated plaintiff's employment on June 16.

Based on these allegations, plaintiff pleaded causes of action for discrimination on the basis of religion, harassment on the basis of religion, discrimination on the basis of sex, retaliation against a sexual harassment complainant, and wrongful termination, all in violation of Government Code[3] section 12940.

B. Motion for Summary Judgment

Defendant moved for summary judgment. It submitted evidence that Amy Anania, who worked in defendant's corporate office in New Jersey as vice president of human resources, received a telephone call from Monic Martin, the human resources assistant in the Sonoma office, on June 15 about an incident between plaintiff and R.V., a 20-year-old employee whom plaintiff (then 37 years old) supervised.

R.V. reported that she and plaintiff had been having a conversation in the break room on Friday, June 12, and plaintiff said he was involved at his church and invited R.V. to come to a class at his church. Plaintiff mentioned a ring R.V. had worn and asked about her relationship status. R.V. told him she and her boyfriend were still dating but no longer lived together. Plaintiff told R.V. that he and his wife were no longer together, that his wife was " 'smoking hot,' " that she had left him for drugs and sex and

[2] All undesignated dates are in the year 2015.

[3] All undesignated statutory references are to the Government Code.

he hoped she would come back, and that he had not had sex or watched pornography in over five years. The comments made R.V. uncomfortable.

Anania then spoke with a colleague of R.V., who said R.V. had told her that plaintiff made R.V. feel uncomfortable by the way he looked at her, was "extra friendly" when speaking to her, and "chim[ed] into her personal conversations." The colleague also reported that plaintiff winked at R.V. and looked at her backside, and that during the June 12 conversation he had asked R.V. to look him in the eyes.

Anania and Martin then called plaintiff into the office; Anania conducted the interview by telephone while Martin was in the office with LaForce. Anania asked plaintiff if he recalled discussing R.V.'s personal relationships or a ring, and he said R.V. had asked him if he noticed she was not wearing a ring and said she did not live with her boyfriend anymore. He said he told R.V. he did not pay attention to such things, that he was married but separated from his wife, that she had left him and turned to sex and drugs, that he hoped she would come back, and that he had not had sex or watched pornography in over five years.

Plaintiff asked Anania if there was something wrong with the conversation, and said that he was proud of practicing celibacy, that he was " 'an open book,' " and that he had no problem sharing information about himself with other employees. Anania told him it was inappropriate to discuss such personal matters with an employee and that she was concerned about his judgment, particularly in light of the fact that he had recently attended sexual harassment training.

During the conversation, as Anania began talking, plaintiff told her, " 'don't cut me off, I was talking,' " in what seemed to her a very loud and disrespectful manner. She did not think she had cut him off, but recognized there could be gaps or delays because she was using her cell phone's speaker. She told plaintiff she was sorry if it appeared she had cut him off, and he again responded, "you cut me off," in an inappropriate and disrespectful manner. Martin gestured at plaintiff to keep his voice down.

They continued to talk, and plaintiff told Anania he believed R.V. had shared personal information with him about her boyfriend and living arrangement, but he did not

say he believed she had sexually harassed him or made advances to him. At the end of the interview, Anania asked plaintiff to contact her if anything else occurred to him. She also asked him to keep the discussion confidential. She later learned that plaintiff immediately spoke to his two managers about the investigation.

Anania and Martin interviewed R.V. again. She said she had shared some information about her boyfriend with plaintiff. She also said that the way he looked at her during the discussion made her uncomfortable, that immediately before he told her that he had not had sex in five years, he told her to " 'look at him in his eyes,' " and that previously, plaintiff had looked at her backside and winked at her.

Anania concluded that plaintiff had violated company policies and standards of conduct prohibiting sexual harassment, and she was concerned about his judgment. She also concluded his behavior during the telephone call constituted insubordination. She reported her findings to the president of the company, who recommended terminating plaintiff's employment immediately. The following day, defendant was informed of the decision.

In his deposition, plaintiff testified that he felt that R.V. "hit on" him during the morning of June 12, when, after he made a joking comment about her boyfriend, she held up her ring finger to show him she was no longer dating and asked him repeatedly if he had noticed she no longer wore a ring. He told her he did not pay attention to such things because he was married, he practiced celibacy, and had not had sex in five years. He was trying to make clear that he was not interested in having a girlfriend. He also testified that, until he learned R.V. had reported him, he did not think she was making an advance on him. Later, on the morning of June 12, in the break room, he told R.V. that his wife had turned to sex and drugs and that he hoped God would bring her back to him. He also said that his celibacy was the result of God keeping him from temptation. Plaintiff acknowledged that he told R.V. to look into his eyes; he said he did so "like [he] would to [his] child when trying to make a point."

Plaintiff testified he told Anania during the June 15 conversation that he did not think he had done anything wrong. He recalled getting angry at her but did not recall raising his voice.

In 2012, plaintiff had been written up for discussing religious subjects during work time, and he promised he would not have religious conversations on company time. He testified in his deposition that he promised that if anyone asked him about religious topics, he would tell them to see him before or after work, during lunch, or on break. He understood that discussing religion at work could make some people uncomfortable, and promised that he would only discuss religious issues "when a co-worker expressly demonstrates an interest in obtaining advice and counsel from me."

C. Plaintiff's Version of Events

Plaintiff does not dispute that he had the conversations R.V. reported or that he became angry during his conversation with Anania and Martin. He does dispute that he winked at R.V. inappropriately or that he was flirtatious or suggestive when he discussed his wife and celibacy. He contends that Anania, not he, behaved rudely and disrespectfully during the June 15 telephone call, by preventing him from completing his sentences, and that he did not have a reasonable opportunity to gather his thoughts and present his version of events during the call, which he asserts took place over a bad connection. And he contends the reasons given for ending his employment—insubordination and violating defendant's policy against sexual harassment—were inaccurate and were pretexts for discrimination based on his religion and gender.

Plaintiff submitted a declaration stating that when R.V. pointed out she was no longer wearing a ring, her manner was "overtly flirtatious." When she raised the absence of the ring again, he responded, "No, I didn't notice—I don't take notice of such things—I'm not here for that. Those things don't even hit my radar. Though my wife has been gone for five years, I remain celibate based on my religious convictions, I am totally faithful to my wife and to our marriage, and if she ever decides to come back, I will take her." (Emphasis omitted.) An hour or two later, during the lunch break, R.V. sat next to him and began a conversation about why she was no longer with her boyfriend,

indicating they only saw each other every two or three weeks, and all he wanted to do was have sex. He encouraged R.V. to stand up for herself and to enlist God's help, and told her words to the effect, "Look, you have more value than that—you are worth more than what some man thinks he can use you for. Look into my eyes." (Emphasis omitted.) He went on to tell her about how God had helped him maintain celibacy and avoid pornography, and he reiterated his devotion to his " 'smoking hot' " wife. He thought that R.V. was seeking spiritual counsel and that he was advising her as a minister. When he learned R.V. had complained the conversation made her feel " 'weird' " and " 'uncomfortable,' " he surmised she must have felt spurned and rebuffed.

In his declaration, plaintiff stated that during the conversation with Anania and Martin, he said that R.V. was the one who brought up the subject of sex and that she had shown him that she was no longer wearing the ring her boyfriend had given her. He tried to explain that he had been telling R.V. of his conviction to celibacy and the sanctity of his marriage. Anania interrupted him mid-sentence several times, and the cell phone connection was "very bad, oft-broken, and oft-interrupted." He denied having spoken in an insubordinate or disrespectful manner. He stated he was not given a fair opportunity to give his side of the case.

D. The Trial Court's Ruling

The trial court granted defendant's motion for summary judgment. In doing so, it sustained some of defendant's objections. Those included statements in plaintiff's declaration regarding defendant's use of the name Chase Receivables; and declarations from Michell Merrill, plaintiff's supervisor, James Hundley, the former vice president of defendant's Sonoma office, Emanuel Quintero, an employee of defendant whom plaintiff supervised, and Steven Reyes, plaintiff's pastor.

II. DISCUSSION

A. Legal Standards

California courts apply a three-stage test to cases of employment discrimination. "At trial, the employee must first establish a prima facie case of discrimination, showing ' " 'actions taken by the employer from which one can infer, if such actions remain

unexplained, that it is more likely than not that such actions were "based on a [prohibited] discriminatory criterion . . . ." ' " ' " (*Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 520, fn. 2, citing *McDonnell Douglas Corp. v. Green* (1973) 411 U.S. 792, 802 (*McDonnell Douglas*).) A prima facie claim is established " 'when the employee shows (1) at the time of the adverse action [he was a member of a protected class], (2) an adverse employment action was taken against the employee, (3) at the time of the adverse action the employee was satisfactorily performing his or her job' [citation], and (4) the adverse action occurred 'under circumstances which give rise to an inference of unlawful discrimination.' [Citation.] 'Once the employee satisfies this burden, there is a presumption of discrimination, and the burden then shifts to the employer to show that its action was motivated by legitimate, nondiscriminatory reasons. [Citation.] A reason is " 'legitimate' " if it is "facially unrelated to prohibited bias, and which if true, would thus preclude a finding of discrimination." [Citation.] If the employer meets this burden, the employee then must show that the employer's reasons are pretexts for discrimination, or produce other evidence of intentional discrimination.' " (*Nakai v. Friendship House Assn. of American Indians, Inc.* (2017) 15 Cal.App.5th 32, 38-39 (*Nakai*).)

When a defendant brings a motion for summary judgment in an employment discrimination case, " 'the initial burden rests on the employer (moving party) to produce substantial evidence (1) negating an essential element of plaintiff's case or (2) (more commonly) showing one or more legitimate, nondiscriminatory reasons for its action against the plaintiff employee . . . . [¶] . . . The burden then shifts to the plaintiff employee (opposing party) to rebut defendant's showing by producing substantial evidence that raises a rational inference that discrimination occurred; i.e., that the employer's stated neutral legitimate reasons for its actions are each a "pretext" or cover-up for unlawful discrimination, or other action contrary to law or contractual obligation.' [Citation.] By applying *McDonnell Douglas*'s shifting burdens of production in the context of a motion for summary judgment, ' "the judge [will] determine whether the litigants have created an issue of fact to be decided by the jury." ' " (*Nakai, supra,*

15 Cal.App.5th at p. 39, citing *Horn v. Cushman & Wakefield Western, Inc.* (1999) 72 Cal.App.4th 798, 806 (*Horn*).)

To avoid summary judgment, the plaintiff must provide substantial evidence that "the employer's stated nondiscriminatory reason for the adverse action was untrue or pretextual, or evidence the employer acted with a discriminatory animus, or a combination of the two, such that a reasonable trier of fact could conclude the employer engaged in intentional discrimination." (*Hersant v. Department of Social Services* (1997) 57 Cal.App.4th 997, 1004-1005 (*Hersant*).) It is not sufficient to show the employer acted with "general unfairness" (*id*. at p. 1005) or that its decision was "wrong, mistaken, or unwise. Rather, the employee ' "must demonstrate such weaknesses, implausibilities, inconsistencies, incoherencies, or contradictions in the employer's proffered legitimate reasons for its action that a reasonable factfinder *could* rationally find them 'unworthy of credence,' [citation], and hence infer 'that the employer did not act for the [. . . asserted] non-discriminatory reasons.' " ' " (*Horn, supra*, 72 Cal.App.4th at p. 807.)

We review the trial court's grant of summary judgment de novo, and decide independently whether the undisputed facts warrant judgment for the moving party as a matter of law. (*Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th 243, 253 (*Nazir*).) As to the trial court's ruling on evidentiary issues in connection with a summary judgment motion, the weight of the authority holds that these rulings are reviewed for abuse of discretion. (*In re Automobile Antitrust Cases I & II* (2016) 1 Cal.App.5th 127, 141.) However, there is some dispute as to whether the correct standard in this context is de novo review, since summary judgment is decided entirely on the papers. (*Ibid.*, citing *Reid, supra*, 50 Cal.4th at p. 535.)

B. Discrimination Based on Religion

Plaintiff's first cause of action is for discrimination on the basis of religion. In support of this cause of action, he alleges that he had previously agreed not to have religious conversations on company time; that, on June 12, while declining R.V.'s advance, "he declared to her that he is celibate based on his religious convictions"; and that management terminated his employment without a complete investigation.

We question whether these allegations establish a prima facie case that the circumstances " 'give rise to an inference of unlawful discrimination.' " (*Nakai*, *supra*, 15 Cal.App.5th at p. 38.) But assuming they do, defendant has met its burden to show a legitimate, nondiscriminatory reason for ending plaintiff's employment. (*Id*. at p. 39.) Plaintiff had received the company's employee handbook and written policy against harassment, which provided that prohibited conduct could include verbal conduct "of a sexual nature," and he had recently received sexual harassment training. Nevertheless, he discussed personal sexual matters with a younger female employee he supervised, and she reported feeling uncomfortable. When called in to discuss the matter with Martin and Anania on June 15, he agreed that he had made the comments and said he saw nothing wrong with them. He became angry and spoke in what Anania perceived as a loud and disrespectful manner, loud enough that Martin, who was in the room with him, gestured to him to keep his voice down. This evidence suffices to show a legitimate, nondiscriminatory reason for firing plaintiff.

Plaintiff has not met his burden to show that defendant's stated reasons for its action—sexual harassment and insubordination—were a pretext for discrimination based on his Christian religious beliefs. (See *Nakai*, *supra*, 15 Cal.App.5th at p. 39.) He argues first that his actions did not rise to the level of sexual harassment under California law. But the issue before us is not whether plaintiff committed actionable sexual harassment, it is whether defendant terminated his employment for discriminatory reasons. (See *McGrory v. Applied Signal Technology, Inc.* (2013) 212 Cal.App.4th 1510, 1524 (*McGrory*).) In other words, plaintiff may be correct about California law but that would not itself establish that his firing was a pretext for religious discrimination. Plaintiff himself acknowledges he was not discussing his religion with R.V. on June 12; rather, he sought to " 'nix' " any thought that he wanted to find a girlfriend, he claims.

In his declaration, plaintiff states that, based on his experience as a manager, he "became aware of protections and practices in place against arbitrary discharge of at-will employees," such as "oral assurances of opportunity [for] continued long-term employment," investigation of any misconduct, consideration of past excellent

performance, regard for input from the employee's direct supervisors, warnings, progressive discipline, and use of a performance improvement plan. But he does not contend his employment was not at-will or that he had an agreement with defendant to be terminated only for cause, and "an employer need not have good cause to terminate an at-will employee. The reason for termination need not be wise or correct so long as it is not grounded on a prohibited bias." (*McGrory, supra,* 212 Cal.App.4th at p. 1524.)

Plaintiff also contends that the company's investigation was inadequate and that he did not have the opportunity to be heard fully. This contention fails to raise a triable issue of pretext. First, it is well established that, where an employment contract allows the employer to terminate employment at will, " 'its motive and lack of care in doing so are, in most cases at least, irrelevant.' " (*McGrory*, *supra*, 212 Cal.4th at p. 1533) The fact that plaintiff does not contend he had an employment agreement that allowed dismissal only for good cause distinguishes this case from the primary case law upon which defendant relies to argue that there is a triable issue of fact as to the thoroughness and independence of this investigation. (*Cotran v. Rollins Hudig Hall Internat., Inc.* (1998) 17 Cal.4th 93, 95 [considering standards where employee had implied agreement not to be dismissed except for good cause]; *Silva v. Lucky Stores, Inc.* (1998) 65 Cal.App.4th 256, 277 [action for breach of implied contract not to terminate employment except for good cause]; *Kuhn v. Department of General Services* (1994) 22 Cal.App.4th 1627, 1631 [employee of agency subject to civil service rules]; *Pinsker v. Pacific Coast Society of Orthodontists* (1974) 12 Cal.3d 541, 543-544 [fair procedure required where orthodontist applied for membership in orthodontist societies that had " 'fiduciary responsibility with respect to the acceptance or rejection of membership applications' "]; cf. *Nakai, supra,* 15 Cal.App.5th at pp. 43-44 ["the reasonable investigation described in *Cotran* 'applies only to cases in which an employee is under an "implied agreement not to be dismissed except for 'good cause' " ' "]; accord, *Halvorsen v. Aramark Uniform Services, Inc.* (1998) 65 Cal.App.4th 1383, 1391.) An employer is not required to conduct any particular investigation before terminating the employment of an at-will employee.

Moreover, the undisputed evidence establishes that the employer exercised some care with this investigation. Defendant's management initially received R.V.'s complaint through another employee, and R.V. then submitted a written statement to the human resources department. Anania, the vice president of human resources, and Martin, the human resource assistant in the company's Sonoma office, interviewed R.V. and the other employee and received more detail about R.V.'s complaints. Anania and Martin then spoke with plaintiff, who acknowledged making the comments R.V. reported. Anania asked plaintiff to contact her if anything else occurred to him, and at no point did he tell her he thought R.V. had made advances to him. Anania reviewed video footage of the break room, which confirmed plaintiff and R.V. were there on the afternoon of June 12. She and Martin spoke to two employees who appeared in the video footage, and they re-interviewed R.V. and the employee who had first reported R.V.'s complaint. Anania and Martin also reviewed text messages R.V. had sent to her colleague complaining of the incident.

Nothing suggests this investigation was so inadequate that defendant's stated reasons were a pretext to fire plaintiff for his religious convictions and practices. It stands in sharp contrast to *Nazir, supra*, 178 Cal.App.4th 243, upon which plaintiff relies. There, the plaintiff had made previous complaints about the person who led the investigation that resulted in the plaintiff's termination and who "at least inferentially had an axe to grind" (*id*. at pp. 260-261, 277), and the investigators did not interview witnesses the plaintiff had identified as having helpful evidence (*id*. at p. 280). Plaintiff also relies on *Mendoza v. Western Medical Center Santa Ana* (2014) 222 Cal.App.4th 1334, 1344-1345, which concluded substantial evidence supported a jury's finding that the plaintiff was fired in part because he reported sexual harassment. That evidence included expert testimony about shortcomings in the defendants' investigation following the plaintiff's complaint; for instance, the defendants did not immediately interview the person plaintiff accused of harassment, they suspended the investigation for several weeks, they interviewed the plaintiff and the accused simultaneously rather than separately, they did not interview any coworkers who might have provided insights into

the credibility of the accused and plaintiff, and the person who completed the investigation was not a trained human resources employee, but rather their supervisor. (*Id*. at pp. 1337, 1344-1345.) No such deficiencies appear here, and there is no basis to conclude the investigation was a pretext to get rid of plaintiff.

Plaintiff argues that a declaration of James Hundley, the former vice president in defendant's Sonoma office, shows that Anania "usurped" the authority of management in the Sonoma office. The trial court sustained defendant's objections to this declaration, and plaintiff does not specifically argue that the trial court's evidentiary rulings were erroneous or an abuse of the trial court's discretion. (See *Donohue v. AMN Services, LLC* (2018) 29 Cal.App.5th 1068, 1103, rev. granted March 27, 2019, S253677 [appellant seeking reversal based on erroneous exclusion of evidence in summary judgment must establish error resulted in miscarriage of justice].) In any case, to the extent this declaration or other evidence shows defendant did not follow its usual procedures for investigating alleged harassment and terminating employment, that evidence does not support an inference that its stated reasons for dismissing plaintiff—his comments of a sexual nature and his insubordinate attitude toward to a vice president in the corporate office—were a pretext for religious discrimination.

Thus, the trial court properly granted summary judgment as to the first cause of action.

C. Harassment Based on Religion

Plaintiff's second cause of action is for harassment based on religion. He does not allege any facts other than those we have already discussed that constitute harassment. In his brief, he argues that defendant's termination of his employment based on his action in counseling R.V. as a minister constituted harassment. We are unpersuaded. Under the standards we have already discussed, defendant met its burden to show it terminated plaintiff's employment for neutral legitimate reasons, and plaintiff failed to raise a triable issue of fact that those reasons were pretextual. And, in any case, "commonly necessary personnel management actions such as hiring and firing . . . do not come within the

meaning of harassment." (*Jankan v. GM Hughes Electronics* (1996) 46 Cal.App.4th 55, 64-65.) Summary judgment was proper as to the second cause of action.

D. Gender Discrimination

In his third cause of action, plaintiff alleges defendant's actions constitute discrimination on the basis of sex. We have already explained that defendant met its burden to show nondiscriminatory reasons for firing plaintiff. Plaintiff has not met his burden to show these reasons were a pretext for gender discrimination. (See *Hersant, supra*, 57 Cal.App.4th at pp. 1104-1105.) He suggests that the outcome would have been different if he had been a woman and R.V. had been a man. This is pure speculation, and plaintiff points to no evidence that any similarly situated woman was treated differently than he was. (See *Mackey v. Board of Trustees of California State University* (2019) 31 Cal.App.5th 640, 657 ["A party 'cannot avoid summary judgment by asserting facts based on mere speculation and conjecture' "].) His argument that a jury could find gender discrimination in Anania's failure to investigate whether R.V. is the person who initiated their discussion of sex lacks merit for two obvious reasons. First, it is undisputed that plaintiff did not tell Anania and Martin during their meeting that R.V. had " 'hit' on him," so they had no reason to investigate R.V. for sexual harassment; and second, he was her supervisor, not the other way around. For these reasons, as well as the reasons we have discussed above, plaintiff has not shown there is substantial evidence that the stated reasons for his termination were pretextual.

E. Retaliation Against Sexual Harassment Complainant

In his fourth cause of action, plaintiff alleges defendant's conduct constituted retaliation for complaining of sexual harassment. Defendant presents no argument regarding this issue on appeal, and has accordingly forfeited any challenges. (See *Okasaki v. City of Elk Grove* (2012) 203 Cal.App.4th 1043, 1045, fn. 1 [points not supported by argument are forfeited].)

In any case, for the reasons already stated, defendant met its burden to show nondiscriminatory reasons for terminating defendant's employment. The burden thus shifts to plaintiff to show these reasons were pretextual. (*Nakai, supra*, 15 Cal.App.5th at

p. 39.) Plaintiff has not shown a triable issue of fact as to whether the stated reasons were a pretext for retaliation against him for complaining of sexual harassment. Although the operative complaint alleges plaintiff told management that he was the victim of sexual harassment, the evidence shows—and plaintiff agrees it was undisputed—that he did not tell Anania and Martin that R.V. had made advances to him. The trial court properly granted summary judgment as to the fourth cause of action.

F. Termination in Violation of Public Policy

In his fifth cause of action, plaintiff alleges that defendant's conduct constituted wrongful termination of employment in violation of California's public policies against workplace discrimination and harassment on the basis of religion, workplace discrimination on the basis of gender, and retaliation against a sexual harassment complainant. (§ 12940.) Since there is no triable issue of fact as to plaintiff's claims for discrimination, harassment, and retaliation, this cause of action necessarily falls as well.

G. Corporate Status of Chase Receivables

The first amended complaint names as defendants "Chase Receivables, Inc., a California corporation" and "Credit Bureau of Napa County, Inc., a California corporation, d/b/a/ Chase Receivables, Inc.," and identified Chase Receivables, Inc. as a Franchise Tax Board (FTB) suspended corporation. Defendant answered the complaint as "Credit Bureau of Napa County, Inc. (incorrectly sued as d/b/a Chase Receivables, Inc.)"

In opposition to the motion for summary judgment, plaintiff objected to all of defendants' evidence on the ground that a corporation may not defend an action while it is suspended for failure to pay taxes. (Rev. & Tax. Code, § 23301; *Grell v. Laci Le Beau Corp.* (1999) 73 Cal.App.4th 1300, 1306.) He submitted evidence that "Chase Receivables, Inc." is a suspended corporation, and has been since 1990; defendant does not dispute this fact. He also submitted evidence that defendant used the name Chase Receivables throughout his employment. He included a printout of part of defendant's web site, which states, "Chase Receivables originated as a collection agency in 1953 as Credit Bureau of Napa County, Inc. located in Sonoma, California," and which describes

the company as "a California corporation." In turn, defendant objected to plaintiff's evidence regarding the corporate status of "Chase Receivable, Inc."

The trial court sustained defendant's objections and overruled plaintiff's objection, ruling, "LaForce has produced no evidence that Defendant Credit Bureau of Napa County, Inc. is an 'FT[B]-suspended' California corporation, or that it is doing business as 'Chase Receivables, Inc.' as opposed to 'Chase Receivables.' " The trial court was correct. Nothing in the evidence supports a conclusion defendant was doing business as a suspended corporation, rather than using the simple name "Chase Receivables" as a d/b/a of its corporate entity, Credit Bureau of Napa County, Inc.

III. DISPOSITION

The judgment is affirmed.

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TUCHER, J.

WE CONCUR:

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STREETER, Acting P. J.

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BROWN, J.